

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT J. BERG,

Plaintiff,

-against-

VILLAGE OF SCARSDALE and VILLAGE OF  
SCARSDALE POLICE DEPARTMENT,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/20/2021

No. 18 CIV 1002 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

*Pro se* Plaintiff Robert J. Berg (“Plaintiff”) brought this action under 42 U.S.C. § 1983 against Defendants Village of Scarsdale (the “Village”) and the Village of Scarsdale Police Department (“Police,” collectively, “Defendants”) challenging the constitutionality of certain provisions of the Scarsdale Village Code (the “Village Code”) which governs the posting of signage, including political signs, within the Village. This Court granted Plaintiff’s motion for summary judgment to the extent it asserted that Defendants’ enforcement of the Village Code violated Plaintiff’s First Amendment rights by selectively enforcing the signposting laws against political speech relative to other forms of speech and denied the motion as to the remaining claims. The Court also granted Defendants’ cross-motion for summary judgment to the extent it asserted that the relevant ordinances are constitutional under the First and Fourteenth Amendments but denied their motion as to the extent it asserted that their content-based enforcement was consistent with the First Amendment. (ECF No. 60.) On December 10, 2020, Plaintiff appealed to the United States Court of Appeals for the Second Circuit. (ECF No. 63.)

On December 3, 2021, the Second Circuit issued a Summary Order that reversed the judgment of the district court as to Plaintiff’s as-applied claim and remanded with instructions to

enter judgment in favor of the Village, and affirmed the grant of summary judgment to the Village on all other claims.

Accordingly, Defendants are hereby directed to submit a proposed judgment prepared in accordance with the Second Circuit's instructions by January 19, 2022. The Clerk of Court is kindly directed to mail a copy of this Order to Plaintiff to his address listed on ECF and to show proof of service on the docket.

Dated: December 20, 2021  
White Plains, New York

SO ORDERED:

A handwritten signature in blue ink, appearing to read "Nelson S. Román", is written over a light blue rectangular background.

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NELSON S. ROMÁN  
United States District Judge